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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/930,135  | 08/16/2001  | Takanori Nishimura   | 212768US6           | 1259             |
| 22850   | 7590        | 07/05/2005           | EXAMINER            |                  |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      | MEUCCI, MICHAEL D   |                  |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             |                      |                     | 2142             |

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

|                 |                               |  |
|-----------------|-------------------------------|--|
| Application No. | 09/930,135                    |  |
| Examiner        | Art Unit<br>Michael D. Meucci |  |
|                 | 2142                          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 08 March 2005.  
2a) This action is FINAL.      2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_\_ is/are allowed.  
6) Claim(s) 1-17 is/are rejected.  
7) Claim(s) \_\_\_\_\_ is/are objected to.  
8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on 16 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/8/05.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Note: This application (09/618704) has been reassigned to Michael Meucci

***Response to Amendment***

2. Examiner acknowledges amendments made to lines 8-14 on page 4 of the specification to overcome objections from previous office action. These objections (b. and c.) on page 2 of previous action have been withdrawn.

***Specification***

3. The abstract of the disclosure is objected to because the first sentence of the abstract is grammatically incorrect. Applicant was non-responsive of this objection from the first action. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 -3, 9-11, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy (U.S. 6,564,380 B1).

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a. As per claims 1, 9, and 17, Murphy discloses a content distribution notification method, apparatus and program storage medium for storing a program to be executed by a reservation control apparatus, comprising: a reservation requesting step of sending reservation request information, including desired service time to use the distribution server and contact addresses of clients who should be informed, that the content distribution will be preformed from the distributor terminal apparatus to the reservation control apparatus via a network (lines 34-40 of column 3, lines 30-35 of column 7, and lines 42-45 of column 11); and a notifying step of sending the notification information for notifying that the content distribution will be performed from said reservation control apparatus to the contact address of said clients via the network when the content distribution using said distribution server in said desired service time included in said reservation request information is permitted (lines 42-45 of column 11 and lines 27-34 of column 12)

b. As per claims 2 and 10, Murphy discloses content distribution notification method and reservation control apparatus, wherein said notification information includes access information for connection to said distribution server (lines 35-45 of column 3).

c. As per claims 3 and 11, Murphy discloses a content distribution notification method and reservation control apparatus, wherein reservation requesting step is to send reservation request information including authentication information for the client user to acquire a permission to access said distribution server, and said notification information includes said authentication information (lines 45-51 of column 10).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy as applied to claims 1 and 9 respectively, in view of Arai et al. (U.S. 6,751,401) hereinafter referred to as Arai.

a. As per claims 4 and 12, Murphy teaches a reservation system and method but does not explicitly teach a cancellation notification step of sending cancellation notification information from the reservation control apparatus to the contact addresses of said clients via a network.

However, Arai teaches a broadcast system which allows users to make a reservation for a target program in various ways, including a means for notifying the user of a failure of the reservation when the broadcasting of the program is canceled (lines 62-68 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have means for notifying the user of a reservation cancellation. "With this arrangement, the user can know the failure of the reservation," (lines 65-67 of column 4 in Arai. It is for this reason that one of ordinary skill in the art at the time of the

applicant's invention would have been motivated to notify the user of a reservation cancellation in the system as taught by Murphy.

8. Claims 5, 8, 13, and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy as applied to claims 1 and 9 respectively, in view of Nelson (U.S. 6,496,568 B1).

a. As to claims 5 and 13, Murphy teaches a reservation system and method but does not explicitly teach a notification step of sending change notification information from the reservation control apparatus to the contact addresses of said clients via a network. However, Nelson discloses: "The determination of whether an event requires notification could be processed by airline CMM interface 135 and/or the notifier and updater system 110," (lines 15-17 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have a notification step for notifying users of changes in the reservation. "Processing continues to step 405 where the airline information is manipulated to determine whether there is a flight schedule event requiring notification, such as a change in gate, a flight cancellation or a flight delay," (lines 18-21 of column 6 in Nelson). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a notification step for notifying users of changes in the reservation, in the system as taught by Murphy.

b. As per claims 8 and 16, Murphy teaches a reservation system and method but does not explicitly teach that the notification be sent to the client' s email address,

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which is designated as the contact address. However, Nelson teaches a real-time automatic notification system where the notification is provided through email (lines 64-66 of column 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to provide notifications through email. "Once notifier and updater system 110 identifies a notification event and has determined the set of customers to notify, notifier and updater system 110 proceeds with the notification. Customers can be notified via an unlimited number of mechanisms, including interactive voice response messages over the telephone network, pages over a paging or cellular network, email, or even make such notification available at a web site should the customer want to check the status of some event," (lines 7-15 of column 4 in Nelson). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated provide notifications through email in the system as taught by Murphy.

9. Claims 6- 7 and 14-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy as applied to claims 1 and 9 respectively, in view of Waytena et al. (U.S. 5,978,770) hereinafter referred to as Waytena.

As to claims 6-7 and 14-15, Murphy teaches a reservation system and method but does not explicitly teach of sending a notification to confirm the reservation via a network. However, Waytena teaches a system for assigning and managing patron reservations to one or more of plurality of attractions and also provides a confirmation notification (lines 11-17 of column 3).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention have a permission notification step to notify that the content distribution is permitted and to reconfirm the reservation. "A proposed reservation time is provisionally stored in a virtual queue and transmitted back to the PCD for confirmation or rejection by the patron. If the patron elects to confirm the proposed reservation time, the PCD transmits a confirmation message to the attraction computer which confirms the reservation in the virtual queue. If the patron rejects the reservation or does not confirm it within a predetermined time period, the reservation is removed from the virtual queue and the proposed reservation time is released so that it may be made available to other patrons," (lines 17-27 of column 3 in Waytena). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have a permission notification step to notify that the content distribution is permitted and to reconfirm the reservation in the system as taught by Murphy.

### ***Response to Arguments***

10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "sending reservation request information for third parties and then notifying the third party the content distribution will be performed") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

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the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Patel (U.S. 5,953,706) discloses transmission of reservation data.

Uchihori et al. (U.S. 5,996,014) discloses distribution multimedia server system and bandwidth reservations.

Birdwell (U.S. 6,041,359) discloses data delivery system and bandwidth reservation.

Lumelsky et al. (U.S. 6,516,350 B1) discloses self-regulated resource management and bandwidth/resource reservation system.

Yoshimine et al. (JP 2002077868A) discloses reservation control system.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (571) 272-3892. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER**